



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 2006-400061

DATE: July 19, 2007

RESPONSE REQUIRED BY: August 3, 2007

Regulatory Branch
1455 Market Street

San Francisco, CA 94103-1398

PERMIT MANAGER: Robert Lawrence; PHONE: (415) 503-6808; E-mail: robert.j.lawrence@usace.army.mil

1. INTRODUCTION: The San Mateo County Harbor District (through its agent, Mr. Dilip Trivedi of Moffatt & Nichol) has applied for a ten-year Department of the Army permit to maintenance dredge the Oyster Point Marina (Marina) in South San Francisco, San Mateo County, California. The purpose of the proposed dredging is to return the majority of the Marina to its originally permitted depth to allow safe navigational depths for recreational boats. A portion of the West Basin will be deepened. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. PROJECT DESCRIPTION: As shown in the attached drawings, the applicant plans to remove a maximum of approximately 94,280 cubic yards (cys) of sediment from the 10.3-acre (approximately) West Basin in an initial episode and a total of approximately 194,280 cys from the entire Marina (29.8 acres in the East and West Basins) over the life of the permit. Existing depths range from -4 to -8 feet mean lower low water (MLLW) in the West Basin. Zone 2 would be dredged to the previously-permitted design depth of -8 feet MLLW plus an additional 2-foot overdredge allowance. In order to accommodate deeper-draft vessels that will be relocated due the construction of a new ferry terminal in the East Basin, Zone 1 would be deepened from -6 feet MLLW to -8 feet MLLW plus an additional 2-foot overdredge allowance. The material would be removed using a clamshell or hydraulic dredge and removed by barge to the Alcatraz Disposal Site (SF-11).

Prior to each dredging episode, the Dredge Material

Management Office (DMMO) will evaluate the sediments to be dredged for disposal or reuse suitability. The DMMO includes representatives from the U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (Corps). The DMMO is tasked with approving sampling and analysis plans in conformity with testing manuals, reviewing the test results and reaching consensus regarding a suitable disposition for the material.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service

(FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include Chinook salmon and steelhead trout.

Please note that programmatic biological opinions (BOs) were issued by FWS (March 12, 1999) and NMFS (September 18, 1998) for the Long Term Management Strategy for the placement of dredged material in the San Francisco Bay region. As a result of the BOs there are allowable time frames to dredge to protect the habitat for threatened (and endangered) species and the species themselves per Section 7 of the Endangered Species Act of 1973, as amended. If the dredge work is conducted within those time frames, there is no need for consultation.

Central California populations of steelhead trout (Oncorhynchus mykiss) were classified as federally threatened in August 1997. The steelhead that occur in San Francisco Bay are included in this ESU (evolutionarily significant unit) and therefore receive protection under the Endangered Species Act. There is concern that steelhead migrating through the Bay to streams in the South Bay might enter Oyster Point Marina. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30 in any year, without consultation (pursuant to Section 7 of the ESA) with and approval from NMFS and the Corps.

Additionally, the Corps has concerns regarding potential impacts to Pacific herring during its annual spawning season. The proposed maintenance dredging will occur within the traditional Pacific herring spawning grounds. As a result, the Corps will condition the permit (if issued) so that dredging will be allowed only from March 1 through November 30 in any year.

Magnuson-Stevens Fisheries Conservation and Management Act: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and

Management Act. The proposal would initially impact approximately 10.3 acres of EFH (the West Basin) and a total of 29.8 acres (the entire Marina) utilized by various species of sole, shark and rockfish. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California waters. This determination is based on the fact that the Marina has been dredged several times in the past, the disposal site has been used since the 1960s for disposal and, therefore, both sites are considered by the Corps to be disturbed and the proposed activity will result in no new impacts to EFH. Additionally, the dredging frequency is once or twice in a ten-year period, so the benthic community should fully recover between dredge episodes. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NMFS. The Marina is located along the shoreline of San Francisco Bay in South San Francisco, San Mateo County. The recently-deposited bottom sediments to be dredged during maintenance dredge activities are composed mainly (approximately 95%) of silts and clays (mud). It is presumed that fish species utilizing the area would be using it for feeding during a period of growth. When dredging occurs, the fish should be able to find ample and suitable foraging areas in and along the adjacent areas. As the infaunal community recovers in the dredged area, fish species will return to feed. The "Baywide Eelgrass Inventory of San Francisco Bay," prepared by Merkel and Associates, dated October 2004, does not show the area in and around the Marina as having any eelgrass beds. Eelgrass is not expected to be established in this area.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that a valid request has been submitted to the San Francisco Bay Regional Water Quality Control Board for State water quality certification. No Corps permit

will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

3. **b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). On October 29, 2004 the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission, and the San Francisco Bay Regional Water Quality Control Board adopted the "Small Dredger Programmatic Alternatives Analysis (SDPAA) for Disposal of Maintenance Dredged Material in the San Francisco Bay Region." Due to the limited disposal alternatives in the San Francisco Bay region, small dredgers (as defined in the SDPAA) are not required to submit an alternatives analysis for disposal of maintenance-dredged material. The Oyster Point Marina is included in the list of small dredgers in the SDPAA. The applicant has submitted an Analysis of Alternatives for the new work included in the project and it will be reviewed for compliance with the guidelines.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal

development issues should be directed to the San Francisco Bay Conservation and Development Commission (BCDC), 50 California Street, Suite 2600, San Francisco, California 94111.

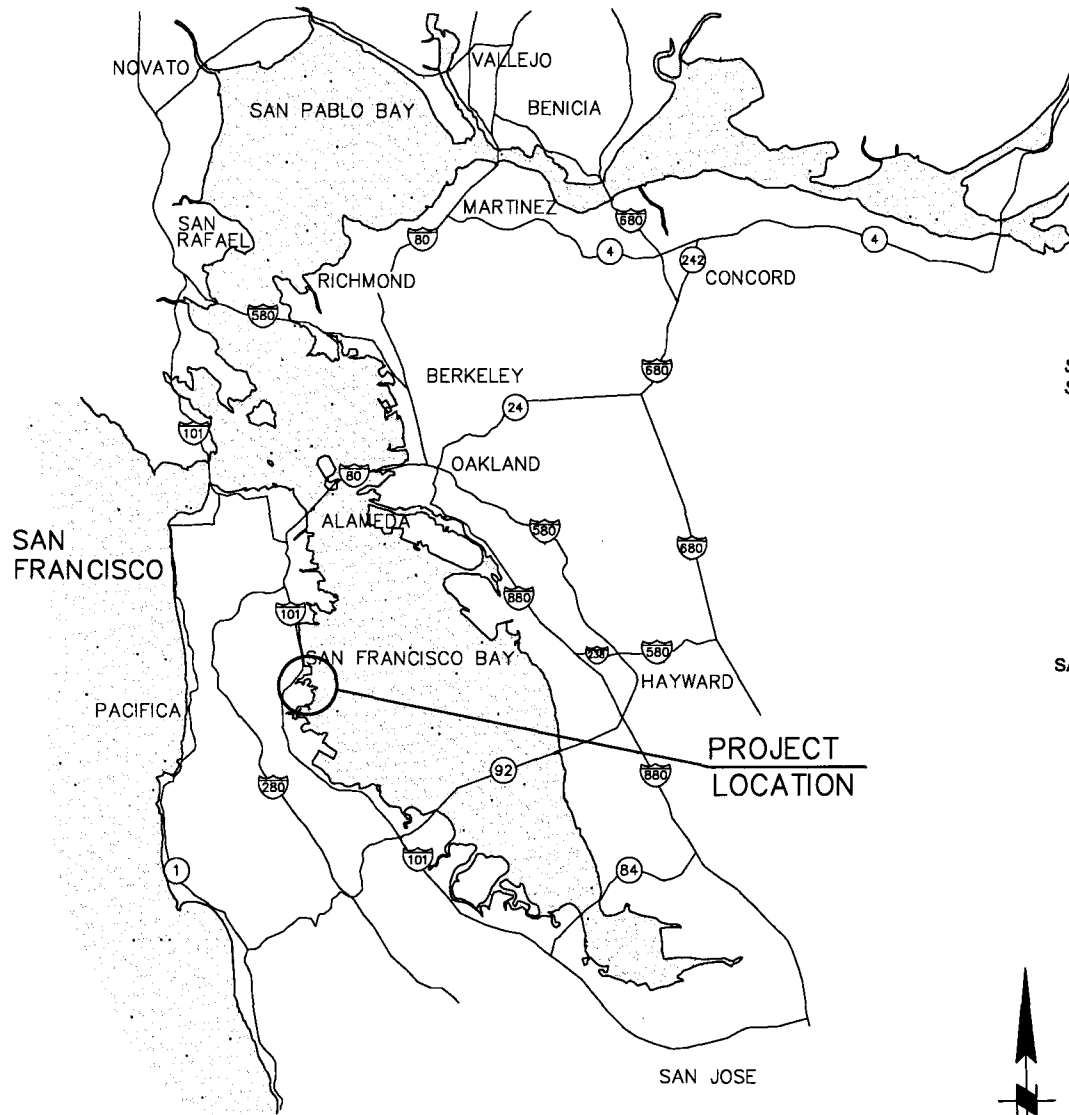
National Historic Preservation Act of 1966 (NHPA): Because the Marina has been previously dredged, historic or archeological resources are not expected to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

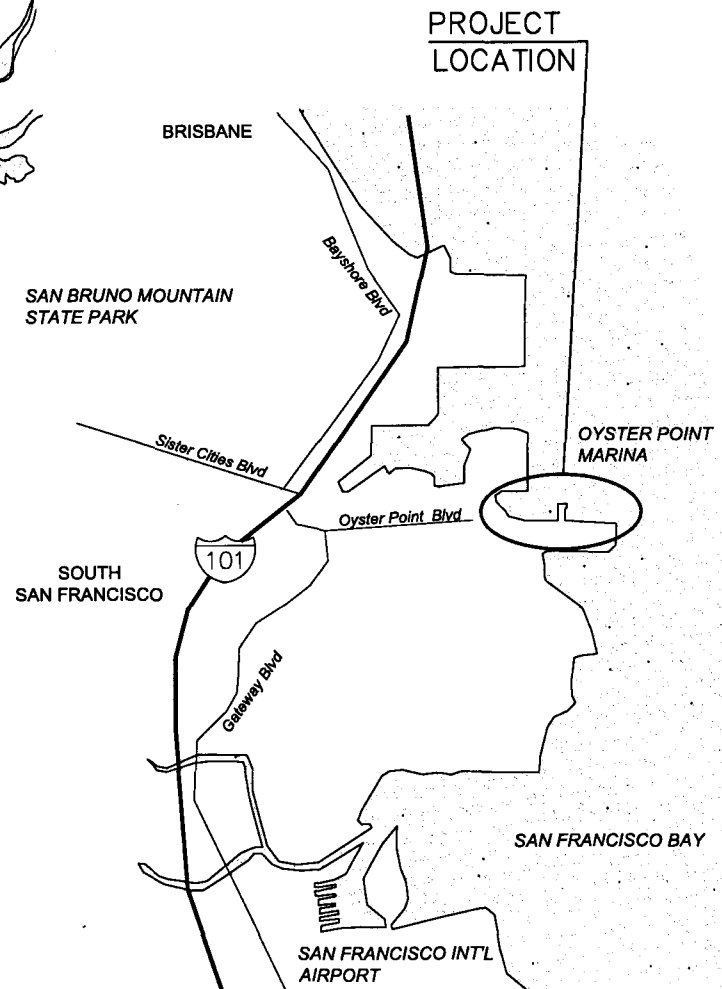
5. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on

endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to Mr. Robert Lawrence at the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Mr. Robert Lawrence of our office at telephone number (415) 503-6808 or by e-mail at: robert.j.lawrence@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



VICINITY MAP
NTS



LOCATION MAP
NTS



2001 N. Main Street, Suite 360
Walnut Creek, California 94596
(925) 944-5411

WEST BASIN DREDGING PROJECT
OYSTER POINT MARINA

VICINITY & LOCATION MAPS

DATE 07/12/07
SHEET 1 of 5

T1

E 6016500

E 6017000

E 6017500

E 6018000

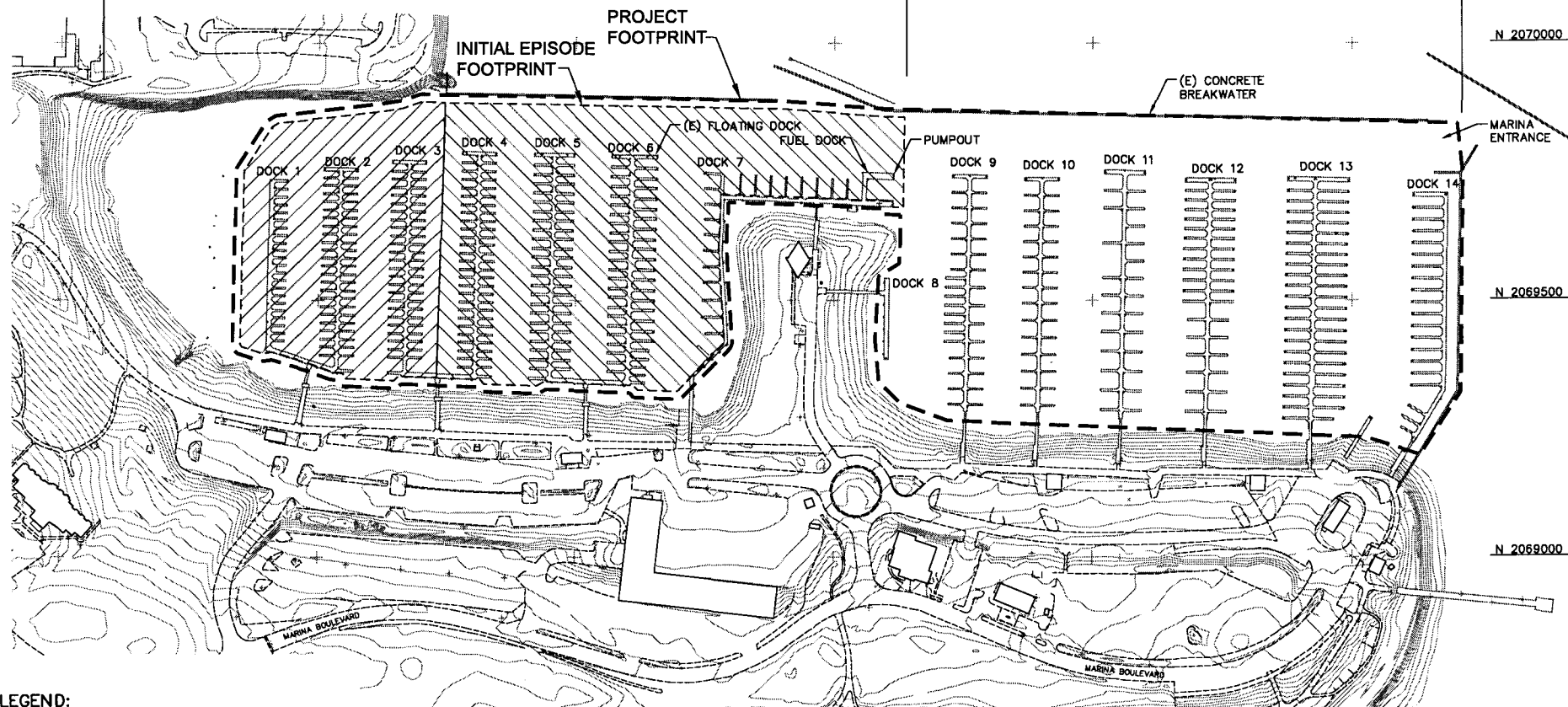
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E 6019000



WEST BASIN

EAST BASIN

**LEGEND:**

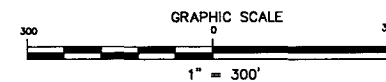
--- PROJECT FOOTPRINT (FUTURE MAINTENANCE = 100,000 CY)

----- INITIAL EPISODE FOOTPRINT

 INITIAL DREDGING EPISODE: NEW WORK = 11,740 CY,
DEEPENING FROM -6' TO -8' MLLW

 INITIAL DREDGING EPISODE: MAINTENANCE WORK = 82,540 CY
MAINTAIN DEPTH AT -8' MLLW (SMALL DREDGER EXEMPTION)

SITE PLAN
1" = 300'



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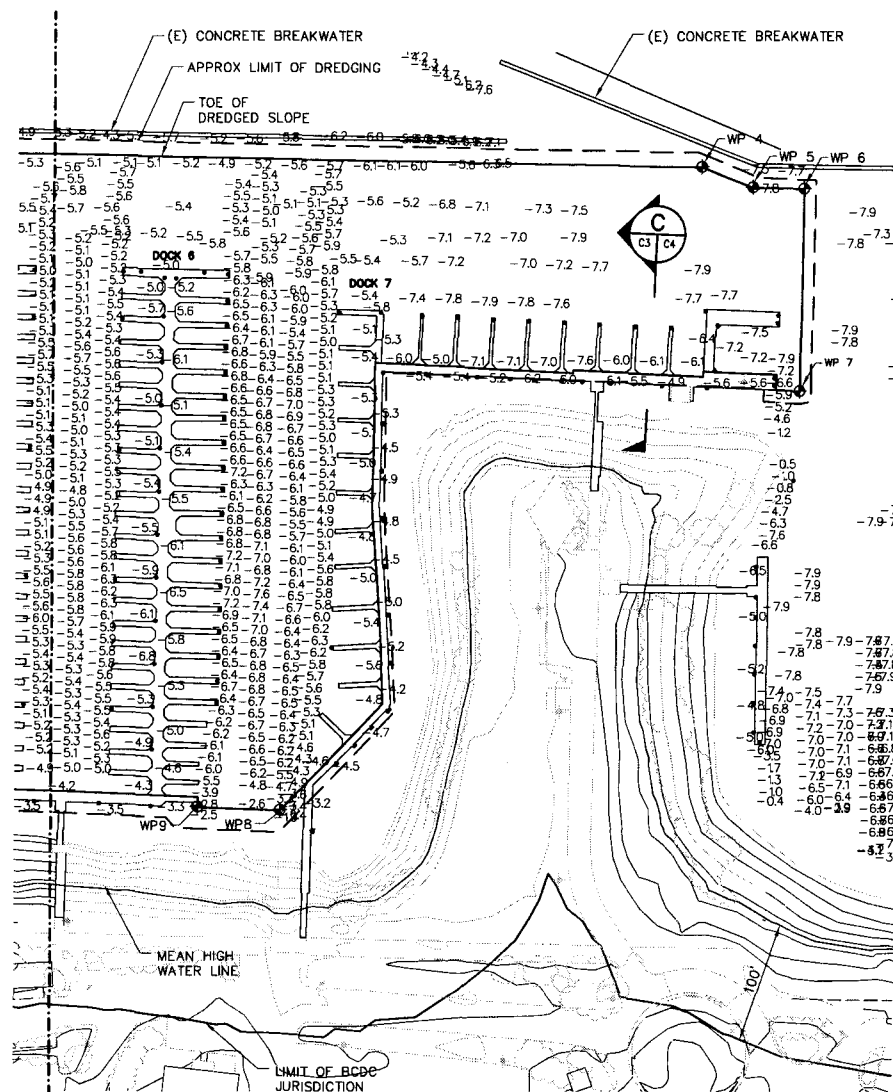
WEST BASIN DREDGING PROJECT
OYSTER POINT MARINA

SITE PLAN

DATE 07/12/07

SHEET 2 of 5

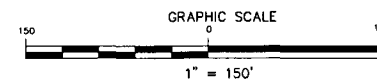
C1



DREDGING PLAN
1" = 150'

WORKING POINT DATA
(FOR TOE OF DREDGE SLOPE)

WORKING POINT	NORTHING	EASTING
WP1	2069751.32	6016857.85
WP2	2069865.70	6017166.18
WP3	2069884.49	6017213.66
WP4	2069868.24	6018051.50
WP5	2069851.07	6018094.10
WP6	2069850.20	6018136.80
WP7	2069681.68	6018133.38
WP8	2069331.15	6017703.29
WP9	2069333.87	6017634.69
WP10	2069342.70	6017410.00
WP11	2069345.43	6017336.70
WP12	2069352.49	6017133.92
WP13	2069355.36	6017068.59
WP14	2069403.13	6016897.11
WP15	2069418.19	6016851.37



WEST BASIN DREDGING PROJECT
OYSTER POINT MARINA

DATE 07/12/07

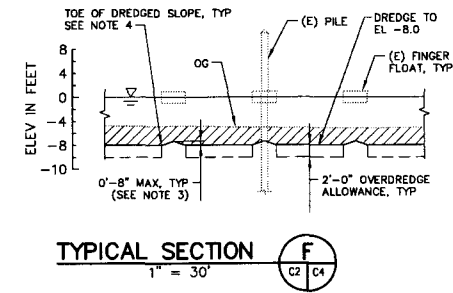
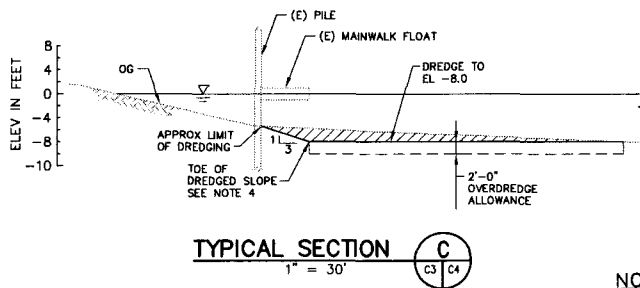
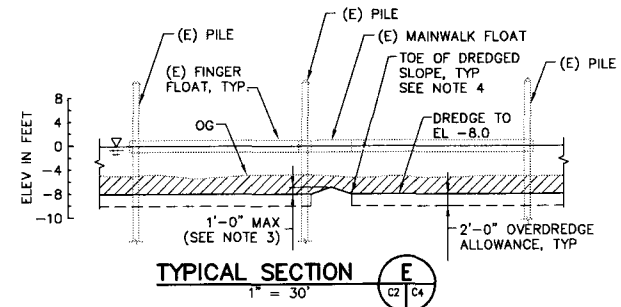
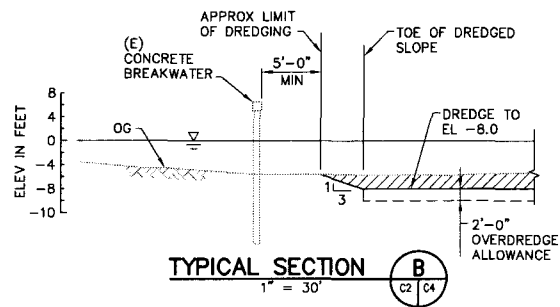
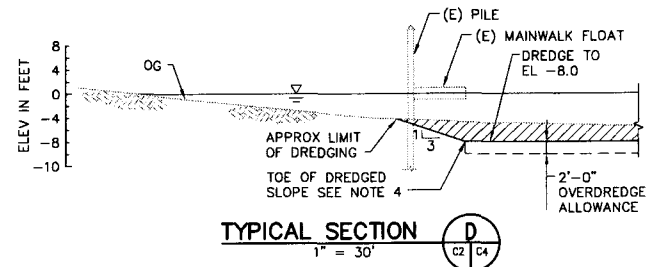
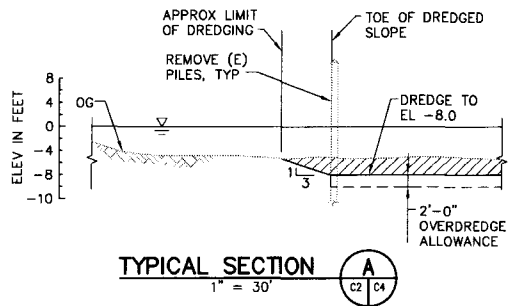
SHEET 4 of 5

INITIAL EPISODE DREDGING PLAN

C3

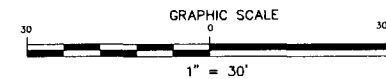


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NOTES:

1. NO DREDGING SHALL OCCUR BEYOND THE 2' OVERDREDGE ALLOWANCE.
2. CONTRACTOR WILL BE PAID FOR 1' MAXIMUM OVERDREDGE ONLY.
3. CONTRACTOR SHALL REMOVE THE SHOALS BELOW THE DOCKS. SHOALS NOT REMOVED SHALL BE THE MAXIMUM INDICATED.
4. WHERE TOE OF DREDGED SLOPE IS NOT DEFINED BY WORK POINTS, IT SHALL BE ALONG THE EDGE OF THE (E) MAIN WALK FLOAT.



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WEST BASIN DREDGING PROJECT
OYSTER POINT MARINA

DATE 07/12/07

SHEET 5 of 5

TYPICAL DREDGING SECTIONS

C4